

### **REMARKS**

Applicant appreciates the withdrawal of the prior Official Action. In the current Official Action, however, all of the claims that is, Claims 2-4, 7-11, 14, 15 and 19-25, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,794,142 to Jaakko Vanttila et al. in view of U.S. Patent No. 6,023,620 to Lars Hansson. Independent Claims 21 and 24 have been amended to more clearly set forth the claimed invention and new Claims 26-29, including new independent Claims 26 and 28, are presented to define other unique aspects of the present invention. To the extent that the current grounds of rejection would be applied to the amended set of claims, Applicant respectfully traverses as set forth below. Based upon the foregoing amendments and the following remarks, Applicant therefore respectfully requests reconsideration of the present application and allowance of the claims.

The present application is directed to a technique for downloading an operational parameter to a mobile-station. As its name suggests, an operational parameter is a parameter utilized by the mobile-station during subsequent operation, such as subsequent communication. In one embodiment, a network part includes a download parameter initiation signal generator for notifying a network node and, more particularly, for notifying a download parameter request signal generator of the network node, of an operational parameter to be updated or otherwise provided to the mobile station. The download parameter request signal generator of the network node then transmits a short message service (SMS) message to the mobile-station notifying the mobile-station of the operational parameter that could be updated. If the mobile-station elects to have the operational parameter updated, a direct call connection is then established between the network part in the form of a data call connector and the mobile-station in which the operational parameter is provided to the mobile-station for use during subsequent communications.

Turning now to the cited references, the Vanttila '142 patent describes a technique in which features that are pre-stored within a radiotelephone can be activated or deactivated as a result of communication between the radiotelephone and an operator's site. As shown in Figures 3A and 3B of the Vanttila '142 patent, a plurality of features are pre-stored by the radiotelephone with the features capable of either being enabled or disabled. In order to enable any previously disabled feature or to disable any previously enabled feature, SMS messages are transmitted

between the operator's site and the radiotelephone to appropriately enable/disable the respective feature(s). As indicated by Figures 4 and 5, this exchange of SMS messages can be initiated by either the radiotelephone or the operator.

The secondary reference, that is, the Hansson '620 patent, describes a technique in which the software that controls the operation of a cellular telephone is to be updated. In this regard, an SMS message is transmitted from an update server processor to the cellular telephone indicating that updated software is available. If the cellular telephone elects to update its software, a call may be established between the cellular telephone and the update server processor such that the updated software is downloaded via a digital traffic channel established between the update server processor and the cellular telephone.

As recited by independent Claims 21 and 24, a direct call connection is established with the mobile-station in order to download the operational parameters. As noted by the Official Action, the Vanttila '142 patent does not "specifically disclose the data download with the data connection directly between the mobile-station and the server." See page 3 of the Official Action. As such, the Official Action cites the Hansson '620 patent for its establishment of a data connection between the mobile-station and the server. While the Hansson '620 patent does disclose the establishment of a call between a cellular telephone and the update server processor so as to download upgraded software, neither of the cited references and, thus, no combination of the cited references teaches or suggest the establishment of a direct data call connection with the mobile station in order to download operational parameters that are then used by the mobile-station during subsequent communication, as set forth by independent Claims 21 and 24. In this regard, the Vanttila '142 patent discloses the provision of a feature code and an identification code via an SMS message which identifies a particular feature to enable or disable. However, the data provided to the radiotelephone via the SMS messages are not operational parameters utilized during subsequent communications by the mobile-station as set forth by independent Claims 21 and 24. Instead, the software and all operational parameters required for performance of the various features are pre-stored by the radiotelephone and the information transmitted via the SMS messages of the Vanttila '142 patent merely identifies a respective feature and advises as to the enablement or disablement of the respective feature. As such, the Vanttila '142 patent

does not teach or suggest the provision of any operational parameter via a data call connection as set forth by independent Claims 21 and 24. As to the Hansson '620 patent, Applicant notes that the Hansson '620 patent describes the downloading of updated software which, as discussed previously during the prosecution of the present application, is distinct from the operational parameters downloaded to the mobile-station for use during subsequent communications as set forth by independent Claims 21 and 24.

For each of the foregoing reasons, Applicant submits that the cited references, taken either individually or in combination, do not teach or suggest independent Claims 21 and 24, as well as the claims which depend therefrom and necessarily include the recitations of a respective one of the independent claims. Thus, the rejection of independent Claims 21 and 24, as well the claims which depend therefrom, is respectfully submitted to be overcome.

As noted above, new Claims 26-29 are submitted herewith including new independent Claims 26 and 28. Independent claim 26 recites an apparatus for downloading a first mobile-station operational parameter. The apparatus includes a network part including a download parameter initiation signal generator for generating an initiation signal that initiates a request for downloading the operational parameter and a data call connector responsive to acceptance (generally by the mobile-station) of the request initiated by the initiation signal generated by the download parameter initiation signal generator. The data call connector establishes a direct data call connection in order to download the operational parameter to the mobile-station such that the operational parameter can be used by the mobile-station during subsequent communications. The apparatus of independent claim 26 also includes a network node including a download parameter request signal generator for receiving the initiation signal from the download parameter initiation signal generator. The download parameter request signal generator then transmits a data message request, such as a SMS message, to the mobile-station to notify the mobile station that the operational parameter is available upon request for downloading. Thus, in operation of the apparatus of independent claim 26, the download parameter initiation signal generator of the network part generates an initiation signal that is transmitted to the download parameter request signal generator of the network node. The download parameter request signal generator of the network node then transmits a data message request to the mobile station. If the

mobile station accepts the request for downloading the operational parameter, the data call connector of the network part establishes a direct call connection with the mobile station to download the operational parameter.

As to new independent claim 28, a method for downloading an operational parameter is provided that includes the transmission of an initiation signal from a network part to a network node to initiate a request for downloading of an operational parameter to the mobile-station. A data message request, such as an SMS message, is then transmitted from the network node to the mobile station to notify the mobile-station that the operational parameter is available upon request for downloading. A direct call connection is then established between the network part and the mobile-station in response to a request for downloading, such as from the mobile station. The operational parameter is then downloaded to the mobile station for use during subsequent communications.

As described in conjunction with independent Claims 21 and 24, new independent Claims 26 and 28 both recite the downloading of at least a first mobile-station operational parameter via a direct data call connection between the network part and the mobile-station, while neither of the cited references teach or suggest the downloading of operational parameters to the mobile station either via a direct data call connection or otherwise. Moreover, neither of the cited references and, thus, no combination of the cited references teaches or suggest that a initiation signal is transmitted from a network part (such as the download parameter initiation signal generator of Claim 26) to a network node (such as the download parameter request signal generator of Claim 26) which, in turn, transmits the data message request, such as the SMS message, to the mobile-station as set forth by independent Claims 26 and 28. Instead, both cited references appear contemplate direct communication between the network and the mobile station or at least fail to discuss any intervening transmission between a network part and a network node prior to transmitting the data message request to the mobile-station.

For each of the foregoing reasons, Applicant therefore submits that new independent Claims 26 and 28, and well as new dependent Claims 27 and 29 which depend on new independent Claims 26 and 28, respectively, are not taught or suggested by the cited references, taken either individually or in combination.

Appl. No.: 09/918,394

Amdt. dated May 3, 2006

Reply to Office action of November 3, 2005

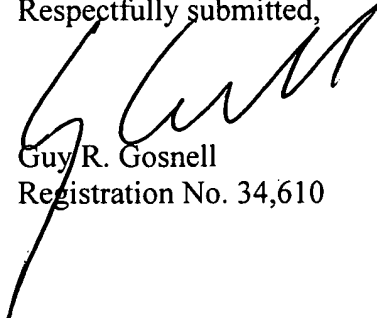


### CONCLUSION

In view of the amended and newly presented claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

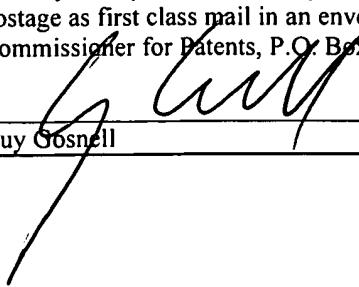
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